

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The office action dated December 16, 2003 has been received and its contents carefully reviewed.

Claims 1-8 and 21-28 remain in the application. Claim 1 is amended, and claims 21-28 are newly added.

The Examiner rejected claims 1-3 and 5 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,239,855 to Nakahara et al. (Nakahara). Claim 6 was rejected under 35 U.S.C. §102(e) as being anticipated by Nakahara considered with Applicant's related art. Claims 4, 7 and 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over Nakahara.

Claim 1 recites a combination of elements including "a first step-shaped compensating layer under the main seal" and "a second step-shaped compensating layer under the plurality of dummy seals, the second step-shaped compensating layer having substantially a same thickness as the first step-shaped compensating layer." Nakahara does not teach or disclose at least these features of the present invention.

Nakahara discloses the use of a functional film with dummy seals to overcome gap uniformity problems in the vicinity of an injection seal. (See Nakahara col. 7, ll. 5-9.) The present invention teaches a first and second step shaped compensating layers. The second step-shaped compensating layer has the same height as the first step-shaped compensating layer so that the main seal and dummy seal end up at the same height. The functional film of Nakahara is not step-shaped, but rather is a single contiguous film extending beyond the dummy seals and the main seal. Therefore, Nakahara does not teach or disclose the first and second step-shaped compensating layers of claim 1. Claims 2-8 depend from claim 1, so for at least the reasons stated above, claims 2-8 are allowable over Nakahara.

Newly added claim 21-28 recite a combination of elements including "a first compensating layer with a width substantially the same as a width of the main seal disposed between the first substrate and the main seal" and "a second compensating layer with a width substantially the same as a width of the dummy seals disposed between the first substrate and the plurality of dummy seals, the second compensating layer having substantially a same thickness as the first compensating layer." Nakahara does not teach or disclose at least these features of the present invention. Therefore, claims 21-28 are allowable over Nakahara.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

Applicant hereby authorizes the Commissioner of Patents to charges any fees necessary to complete this filing, including any fees required under 37 C.F.R. §1.136 for any necessary Extension of Time to make the filing of the attached documents timely, or credit any overpayment in fees, to Deposit Account No. 50-0911. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. §1.136 for the necessary extension of time.

Dated: March 9, 2004

Respectfully submitted,

By


Eric J. Nuss

Registration No.: 40,106

MCKENNA LONG & ALDRIDGE LLP

1900 K Street, N.W.

Washington, DC 20006

(202) 496-7500

Attorney for Applicant